

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ABDULLAH ALKHALIDI, )  
vs. )  
EDWIN BUSS, et al., )  
Plaintiff, ) Case No. 1:11-cv-609-WTL-TAB  
vs. )  
Defendants. )  
)

**Entry Dismissing State Law Claims**

Because the complaint referenced state law violations but it was unclear which laws were violated, the plaintiff was given the opportunity to file a “statement of state law claims” to supplement the complaint. The plaintiff alleges in his supplement that the defendants violated more than 25 Indiana state code provisions. This supplement is now subject to the screening required by 28 U.S.C. § 1915A(b). *Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). This statute directs that the court dismiss a complaint or any claim within a complaint which “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” *Id.*

In determining whether an individual has a private cause of action for the violation of a statute, courts look to legislative intent. *City of Muncie v. Peters*, 709 N.E.2d 50, 56 (Ind. Ct. App. 1999). The statutes listed by the plaintiff do not contain any provision suggesting that inmates have a right to enforce in court the rights created by the statutes.<sup>1</sup> See *Blanck v. Indiana Department of Correction*, 829 N.E.2d 505, 508–10 (Ind. 2005) (holding that Indiana Code sections 11–11–5–4, 11–10–1–7, 11–11–5–5, 11–11–5–6, and 11–11–5–7, did not create a private right of action for inmates seeking to enforce them); *Kimrey v. Donahue*, 861 N.E.2d 379, 383 (Ind. Ct. App. 2007) (holding that Ind. Code § 11–11–3–6 did not provide for a private right of action).

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<sup>1</sup> Including Indiana Code § 11-10-1-3(b); § 11-10-1-5; § 11-10-1-6; § 11-10-1-7; § 11-10-6-2; § 11-10-11-1(a); § 11-10-11-2; § 11-11-1-2; § 11-11-3-2; § 11-11-3-3; § 11-11-3-4; § 11-11-3-5; § 11-11-3-6; § 11-11-3-7; § 11-11-3-8; § 11-11-3-9; § 11-11-4-1; § 11-11-4-2; § 11-11-4-3; § 11-11-4-4; § 11-11-4-5; § 11-11-5-4; § 11-11-5-5; § 11-11-5-6; § 11-11-5-7; § 11-11-5-8; § 11-11-7-1; § 11-11-7-2; § 35-55-3-4(a)(1)(A).

The plaintiff's state law claims are **dismissed** for failure to state a claim upon which relief may be granted. No partial final judgment as to the claims dismissed in this Entry shall issue at this time.

**IT IS SO ORDERED.**

Date: 04/12/2013



Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

Copies to all counsel of record via electronic notification

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